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LEGISLATIVE HISTORY

Public Law 104--78th Congress

Chapter 181--1st Session

S. 217

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## DIGEST OF PUBLIC LAW 104

## CONTINUATION OF PROPERTY REQUISITION ACT.

Continues until June 30, 1944, the President's authority under the Property Requisition Act of October 16, 1941.

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## Summary and Index of History on S. 217.

January 7, 1943	Introduced by Mr. Reynolds and referred to Senate Committee on Military Affairs. Print of bill as introduced.
January 14, 1943	Senate Committee reported without amendment. S. Rept. 2. Print of the bill as reported.
June 3, 1943	Passed Senate without amendment.
June 4, 1943	Print of bill as referred to House Committee on Military Affairs.
June 23, 1943	House Committee reported without amendment. H. Rept. 592. Print of bill as reported.
June 28, 1943	Passed House without amendment.
June 30, 1943	Approved. Public Law 104.

See also: History on Public Law 378-78th Cong.  
Continues Property Requisition Act  
to June 30, 1945.









78TH CONGRESS  
1ST SESSION

# S. 217

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## IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1943

Mr. REYNOLDS introduced the following bill; which was read twice and referred to the Committee on Military Affairs

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## A BILL

To amend the Act entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", approved October 16, 1941, to continue it in effect.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the first sentence of the first section of the Act entitled  
4       "An Act to authorize the President of the United States to  
5       requisition property required for the defense of the United  
6       States", approved October 16, 1941 (55 Stat. 742), is  
7       amended by striking out the date "June 30, 1943", and  
8       inserting in lieu thereof the date "June 30, 1944", so that it  
9       will read as follows: "That whenever the President, during

1 the national emergency declared by the President on May 27,  
2 1941, but not later than June 30, 1944, determines that  
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4 munitions, or component parts thereof, or machinery, tools,  
5 or materials necessary for the manufacture, servicing, or oper-  
6 ation of such equipment, supplies, or munitions is needed for  
7 the defense of the United States; (2) such need is imme-  
8 diate and impending and such as will not admit of delay or  
9 resort to any other source of supply; and (3) all other means  
10 of obtaining the use of such property for the defense of the  
11 United States upon fair and reasonable terms have been  
12 exhausted, he is authorized to requisition such property for  
13 the defense of the United States upon the payment of fair  
14 and just compensation for such property to be determined  
15 as hereinafter provided, and to dispose of such property in  
16 such manner as he may determine is necessary for the defense  
17 of the United States.”

18 SEC. 2. Section 2 of the Act of October 16, 1941 (55  
19 Stat. 742), is amended by striking out the date “December  
20 31, 1943” and inserting in lieu thereof the date “December  
21 31, 1944”, so that it will read as follows:

22 “SEC. 2. Whenever the President determines that prop-  
23 erty acquired under this Act and retained is no longer needed  
24 for the defense of the United States, he shall, if the original  
25 owner desires the property and pays the fair value thereof,

1 return such property to the owner; but, in any event, prop-  
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By Mr. REYNOLDS

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JANUARY 7, 1943

Read twice and referred to the Committee on Military  
Affairs





Calendar No. 2

78TH CONGRESS  
1ST SESSION

**S. 217**

[Report No. 2]

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IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1943

Mr. REYNOLDS introduced the following bill; which was read twice and referred to the Committee on Military Affairs

JANUARY 14, 1943

Reported by Mr. REYNOLDS, without amendment

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By Mr. REYNOLDS

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JANUARY 7, 1943

Read twice and referred to the Committee on Military Affairs

JANUARY 14, 1943

Reported without amendment

## REQUISITION OF PROPERTY ACT EXTENSION

JANUARY 14, 1943.—Ordered to be printed

Mr. REYNOLDS, from the Committee on Military Affairs, submitted the following

## REPORT

[To accompany S. 217]

The Committee on Military Affairs, to whom was referred the bill (S. 217) to amend the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941, to continue it in effect, having considered the same, report favorably thereon with recommendation that it do pass.

An identical bill (S. 2776, 77th Cong.) was favorably reported by this committee September 17, 1942, and passed by the Senate October 1, 1942. However, it failed of passage in the House.

Public Law 274 (77th Cong.) authorizes the President to requisition property required for the defense of the United States. The authority contained in that law expires June 30, 1943. It is now considered necessary to extend such authority to June 30, 1944.

The need for the proposed extension is set forth in the following War Department letter:

WAR DEPARTMENT,  
Washington, September 11, 1942.

HON. ROBERT R. REYNOLDS,

*Chairman, Committee on Military Affairs, United States Senate.*

DEAR SENATOR REYNOLDS: There is enclosed a draft of bill to amend the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941, to continue it in effect, which the War Department recommends be enacted into law.

The purpose of the proposed legislation is (1) to continue in effect until June 30, 1944, the act of October 16, 1941 (55 Stat. 742; Public Law 274, 77th Cong.), which under its present terms will expire on June 30, 1943, which would be accomplished by amending the first sentence of section 1 by striking out the date "June 30, 1943" and inserting in lieu thereof the date "June 30, 1944"; and (2) to extend from December 31, 1943, to December 31, 1944, the period in which an owner from whom property has been requisitioned may obtain its return, by striking out "December 31, 1943" and inserting in lieu thereof "December 31, 1944".

The act of October 16, 1941, now provides that whenever the President, during the national emergency declared by him on May 27, 1941, but not later than June 30, 1943, determines (1) that the use of military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) that such need is immediate and impending and will not admit of delay or resort to any other source of supply; and (3) that all other means of obtaining the use of such property upon fair and reasonable terms have been exhausted, he is authorized to requisition such property upon payment of fair and just compensation therefor, to be determined in the manner provided in the statute. The President also is authorized to dispose of requisitioned property in such manner as he may determine necessary for the defense of the United States. Fair and just compensation shall be determined by the President upon the basis of fair market value at the time it is requisitioned. If the owner is not satisfied with the determination of the President as to value, he shall be paid one-half the amount determined and shall have the right to sue the United States in the Court of Claims or a district court of the United States for the balance, in accordance with the provisions of sections 24 (20) and 145 of the United States Judicial Code (28 U. S. C. 41 (20) and 250).

Provision for the return of property requisitioned is made in the act, and authority is granted to the President to issue rules and regulations necessary to carry out the provisions of the statute. The President also is required to report to Congress not less frequently than every 6 months his operations under the act.

The War Department believes that extension of the power to requisition property, as conferred by the act of October 16, 1941, is essential to the prosecution of the war. That power has been exercised frequently, particularly in obtaining railroad rails and other property for the war effort, where negotiations for acquisition by purchase have been unsuccessful. Although cooperation in the war effort by a majority of the citizens has been wholehearted, some have been unwilling to dispose of their property for Government use, except at prices considered unfair and unreasonable. In such instances exercise of the power to requisition has been necessary. Lack of that authority would have affected seriously the prosecution of the war effort.

By the act of October 10, 1940 (54 Stat. 1090; Public, No. 829, 76th Cong.), the President is authorized to requisition and take over for national defense purposes property ordered, manufactured, procured, or possessed for export, the exportation of which has been denied in accordance with the embargo provisions of section 6 of the act of July 2, 1940 (54 Stat. 714). By its original terms the act of October 10, 1940, would have expired on June 30, 1942, but the Congress, by the act of July 2, 1942 (Public Law 643, 77th Cong.), continued it in effect until June 30, 1944. Also a number of other war measures have been continued in effect until that date by recent acts of Congress, such as section 6 of the act of July 2, 1940 (54 Stat. 714), which was amended and continued in effect until June 30, 1944, by the act of June 30, 1942 (Public Law 638, 77th Cong.), and the act of January 27, 1942 (Public Law 416, 77th Cong.), authorizing vessels of Canadian registry to transport iron ore on the Great Lakes, which was continued until June 30, 1944, by the act of August 1, 1942 (Public Law 695, 77th Cong.). It is believed desirable to have the requisitioning statute in question expire at the same time.

While the War Department is unable to estimate the fiscal effect of enactment of this proposed legislation, it is believed that no expenditures in addition to those otherwise required for national defense purposes will result, but on the contrary it is believed that savings will be accomplished in many instances where acquisition of property by purchase is not possible.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON,  
*Secretary of War.*

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rado should increase its old-age payments, it would be in difficulty under this law. What I am asking for would assist the State of Colorado.

Mr. MILLIKIN. As I remember, the law mentions the rate of payment. Would the Senator from California interpret "rate" to be synonymous with "amount"?

Mr. DOWNEY. Yes; I would so interpret it.

Mr. McKELLAR. Mr. President, if the bill will not displace the pending measure, and will take no extended time, I shall have no objection to its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 2848) amending the joint resolution making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1943, approved April 29, 1943, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the Committee on Appropriations will be discharged from further consideration of the bill.

#### REQUISITION OF PROPERTY ACT EXTENSION

Mr. REYNOLDS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 217, to amend the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941, to continue it in effect.

It will take but a few minutes to dispose of the bill. It is a bill which the War Department desires to have passed, and the present act will expire within 30 days.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. McKELLAR. Can the bill be disposed of within 5 minutes?

Mr. REYNOLDS. Oh, yes.

Mr. McKELLAR. I will agree that the pending business be temporarily laid aside with the right to insist upon the regular order if consideration of the bill shall take more than 5 minutes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the bill (S. 217) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the first sentence of the first section of the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941 (55 Stat. 742), is amended by striking out the date "June 30, 1943", and inserting in lieu thereof the date "June 30, 1944", so that it will read as follows: "That whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1944, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such

equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States."

Sec. 2. Section 2 of the act of October 16, 1941 (55 Stat. 742), is amended by striking out the date "December 31, 1943" and inserting in lieu thereof the date "December 31, 1944", so that it will read as follows:

"Sec. 2. Whenever the President determines that property acquired under this act and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1944."

#### SERVICES OF AMERICAN NATIONAL RED CROSS IN AID OF LAND AND NAVAL FORCES

Mr. REYNOLDS. Mr. President, on April 6, a House bill (H. R. 2292) to provide for the use of the American National Red Cross in aid of the land and naval forces, was received in the Senate and was referred to the Committee on Foreign Relations.

The companion Senate bill (S. 676) was considered by the Military Affairs Committee on May 4, amended by substituting the text of the House bill 2292, and approved. This action was taken by the Military Affairs Committee after consultation between the Military Affairs Committee and the Foreign Relations Committee and it was found agreeable to that committee, through its chairman, the Senator from Texas [Mr. CONNALLY], that the Military Affairs Committee take jurisdiction. The Senate bill, as amended, was accordingly reported to the Senate and placed on the calendar. When the calendar was called, an explanation should have been made, the Foreign Relations Committee should have been discharged from further consideration of the House bill, and that bill should then have been passed by the Senate in place of Senate bill 676. Inasmuch as Senate bill 676 was passed, however, on May 20, I now ask that the Foreign Relations Committee be discharged from further consideration of House bill 2292 and that the House bill be now passed by the Senate.

Mr. McKELLAR. Mr. President, I hope the Senator will not make that request.

Mr. REYNOLDS. Very well; I will renew it tomorrow.

Mr. McKELLAR. I shall be very glad to help the Senator tomorrow.

Mr. REYNOLDS. I knew the Senator would, because I expect to vote for his bill. So I thought if I brought this measure up now I might secure consideration of it.

#### CONFIRMATION BY THE SENATE OF CER- TAIN GOVERNMENTAL EMPLOYEES

The Senate resumed the consideration of the bill (S. 575) to provide that officers in the executive branch of the Government who receive compensation at a rate in excess of \$4,500 a year shall be appointed by the President, by and with the advice and consent of the Senate, in the manner provided by the Constitution.

Mr. McKELLAR. Mr. President, are we ready to vote?

Mr. LUCAS. Mr. President, since coming to the floor of the Senate today I have carefully read the majority report on the bill proposing to confirm the appointment of officers and employees of the United States, and I confess that while much skill has been used in making a fine constitutional argument, yet I fail to understand why this bill is before the United States Senate, and I have not as yet heard a word spoken in the debate to justify its being here.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McKELLAR. That question has been asked several times. I requested the Senator from Indiana [Mr. VAN NUYS] to give me the vote by which the bill was reported. I find that it was reported by a vote of 10 to 4. Ordinarily when a committee votes by a majority to report a bill to the Senate it is reported and comes before the Senate. When it is in the keeping of the committee it is not reported to the Senate.

Mr. LUCAS. Mr. President, I thoroughly understand that the bill was reported favorably by a majority of the committee; but I have as yet failed to hear any argument made on the floor of the Senate as to the real reason why this kind of legislation should be proposed at this particular time.

Mr. President, it is always with the utmost regret when I find myself disagreeing with the distinguished Senator from Tennessee, who is the author of this measure. The long and honorable record the Senator from Tennessee has made in this legislative Hall stands forth as a living tribute to his sagacity, his courage, and his statesmanship. His long record here also reflects great credit upon the wisdom and intelligence of the people of Tennessee who have, with conspicuous consistency, sent him here to represent them over this long period of time. But, Mr. President, I am unalterably opposed to this bill for two fundamental reasons. It is difficult for me to understand how the Senate of the United States can take an arbitrary figure of \$4,500, use that as a yardstick, and ask the Senate and the other House of Congress to pass a bill which will require the Senate to confirm the appointment of all employees of the Government who receive a salary in excess of \$4,500.

I know that, in this great emergency, there are thousands upon thousands of employees in the executive branch who otherwise would not be there. The Senator from Michigan spoke a moment ago about the sprawling bureaucracy which exists in Washington at this time; we



near it denounced almost daily upon the floor of the Senate; and, of course, from the standpoint of efficiency, it is not perhaps what it should be; but that is not strange in a democratic form of government. However, the bureaucracy about which so much is said, and the bureaucrats who are so constantly condemned, are men of all parties and of all faiths. Take, for example, the War Production Board, an agency, we will say, which is bureaucratic in form, or the Office of Defense Transportation, which is another bureaucratic agency of the Government, or at any rate, it has been so termed here; if we had any way of scanning the employees and those who hold official positions in those agencies, and who really do things, we would find that probably there are more Republicans on the pay roll than there are Democrats. I am not objecting to that, for we are in war, and I want my Government to have the best men it can find to conduct its various agencies, regardless of their political affiliations.

Mr. President, with respect to many of these agencies I have not paid very much attention to what goes on so far as appointments affect my particular State. I know that some appointments have been made which have been bad from the standpoint of having the kind of co-operation there should be with Members of the United States Senate, and some of the appointments have been wrong. Senators should have been consulted before the appointments were made. The Senator from Washington [Mr. BONE] rose yesterday and said that he was giving notice that no appointment should come here for confirmation until the agency in which the appointment was made had conferred in advance with him, and that is, of course, in my opinion, right. I will tell the Senate why. A Senator who is representing his State in the Senate, at least, gets the credit of being responsible for an appointee serving in his State or district of a governmental agency which is operating in behalf of the war effort.

That is one of the reasons why I shall not vote for a bill which, if passed, would require the Senate to confirm 38,000 more appointees. I do not want to accept that responsibility insofar as the people of my State are concerned. Furthermore, it is impossible to escape the conclusion that the public think this is a patronage grab upon the part of the Congress, and that, if this bill passes, the Senate will have under its domination 38,000 more employees.

Mr. President, I said a moment ago I do not care so much about the \$4,500 employee; in trying to get information from governmental bureaus I have more trouble with the \$2,500 clerk or the \$2,000 clerk. I can talk to Mr. Patterson or Mr. Stimson or Mr. Knox or Mr. Forrestal, Mr. Nelson, or Mr. Eastman, or Mr. Brown and get information immediately but it is very difficult for me to talk to many of the subordinates who are getting in the neighborhood of \$2,500 and obtain any real information.

It reminds me of something that happened during the last war. About the third day I was in the Army I was walk-

ing along thinking about home, when I met a general. I passed him by without saluting. He called me back and said, "Young man, how long have you been in the Army?" I said, "Three days, sir." He said, "You must understand the rule of the Army is that when you pass an officer you are compelled to salute." I said, "I understand that perfectly well, sir, but I have just been here about 3 days, and I was thinking about the folks back home, and I apologize." He said, "Now, young man, that is all right with me, but don't you ever pass a second lieutenant and fail to salute him, or you may be court-martialed as a result." [Laughter.] If there are any second lieutenants sitting in the gallery, I apologize to them, because once I was one myself. That illustrates the situation, so far as subordinates are concerned.

Another basic reason why I am against the bill is that an examination of it, with all its ramifications, convinces me beyond the peradventure of a doubt that if this proposal became the law of the land, it would retard, hinder, and delay the war effort.

On page 6 the majority report says, among other things:

Your committee believes that the method provided in the bill for revesting control in the people, through their legally elected representatives, is unobjectionable because it in no way interferes with the war effort.

Mr. President, I challenge that premise, and that is one of the reasons, and one of the fundamental reasons, why I am opposed to the proposed legislation. There is a perfect example with respect to the appointment of men in the War Manpower Commission at the present time. The names of individuals who are appointed in Indiana, Wisconsin, Illinois, and I think Michigan, in that particular region, are all coming to my office at the present time, my approval being sought before the committee that is handling the appointments will report them favorably to the Senate.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HATCH. I stated on the floor of the Senate a day or so ago that the Committee on Military Affairs would not report any nomination until the Senators from the State concerned had approved the selection, which makes it necessary that the names of the appointees be referred to the Senators.

Mr. LUCAS. I do not know what the colloquy was with respect to the question raised by the Senator from New Mexico. What I am saying is that the nominations of persons from the States of Indiana and Wisconsin, and I think from Michigan, that particular area, have been coming to my desk for approval before they finally reach the Committee on Military Affairs, or whatever committee is handling the nominations for particular positions.

It so happens that I may be away a week or that I may not be able to approve the manpower nominations for 2 weeks. Some of them I have let lie on my desk as long as 3 weeks, because why should I be interested in an individual in Indiana who receives an appointment

under the War Manpower Commission?

Mr. President, if such procedure does not hinder and delay and frustrate the war effort on the home front, I do not know what would. If an individual who is appointed to handle an important job does not know for a period of 6 weeks or 2 months whether or not his nomination is going to be confirmed by the United States Senate, that individual is not doing the kind of a job he should do in some temporary appointment.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CHANDLER. I know the Senator does not wish to leave the impression that any Member of the Senate would desire to delay a nomination which by law it is a part of his obligation to see is confirmed. Submission of nominations to Senators is the law now, and that is the reason why those nominations are sent to the Senator.

Mr. LUCAS. I appreciate that.

Mr. CHANDLER. They go to the Committee on Military Affairs.

Mr. LUCAS. Certainly.

Mr. CHANDLER. There they are referred to a subcommittee, of which I happen to be chairman. We have made it a rule to send those nominations to the Senators in whose States the persons are supposed to serve, or the area where they are supposed to serve, unless a Senator expressly says he is not interested; some have done. Of course, we cannot make them interested if they are not. We give the Senator an opportunity and a reasonable time, and I think Senators are not disinterested in those who serve, when they have an obligation by law to scrutinize the man and his talents, and either to approve or disapprove him. I have not had any serious delays in the subcommittee reporting the nominations promptly to the Committee on Military Affairs, and the Military Affairs reports them promptly to the Senate.

Mr. LUCAS. I am not complaining about the promptness or the lack of promptness on the part of the Committee on Military Affairs. I did not even mention that committee from that angle. I am talking about my own negligence, in connection with the matter. And a negligence that can be defended.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. LUCAS. I shall yield in a moment. Mr. President, I have more than I can do at the present time in connection with the office of United States Senator. The State of Illinois has a population of seven and a half million and, so far as I can prevent it, I do not want any more nominations coming to my office and coming over my desk. I do not want the responsibility of having to write to my friends in Illinois asking them to look up John Jones, who has been chosen for some particular position, and give me his background and his history in order that I may intelligently pass upon him.

We are at war, Mr. President, and if we are to do what is proposed, and if we are to do it honestly and carefully, and conscientiously, we cannot merely lay these matters aside and say, "They are







78TH CONGRESS  
1ST SESSION

# S. 217

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IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1943

Referred to the Committee on Military Affairs

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## AN ACT

To amend the Act entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", approved October 16, 1941, to continue it in effect.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
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JUNE 4, 1943

Referred to the Committee on Military Affairs

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## Union Calendar No. 213

78TH CONGRESS  
1ST SESSION

# S. 217

[Report No. 592]

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1943

Referred to the Committee on Military Affairs

JUNE 23, 1943

Committed to the Committee of the Whole House on the state of the Union  
and ordered to be printed

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## AN ACT

To amend the Act entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", approved October 16, 1941, to continue it in effect.

1        *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*  
3   That the first sentence of the first section of the Act entitled  
4   "An Act to authorize the President of the United States to  
5   requisition property required for the defense of the United  
6   States", approved October 16, 1941 (55 Stat. 742), is  
7   amended by striking out the date "June 30, 1943", and  
8   inserting in lieu thereof the date "June 30, 1944", so that it



1 will read as follows: "That whenever the President, during  
2 the national emergency declared by the President on May 27,  
3 1941, but not later than June 30, 1944, determines that  
4 (1) the use of any military or naval equipment, supplies, or  
5 munitions, or component parts thereof, or machinery, tools,  
6 or materials necessary for the manufacture, servicing, or oper-  
7 ation of such equipment, supplies, or munitions is needed for  
8 the defense of the United States; (2) such need is imme-  
9 diate and impending and such as will not admit of delay or  
10 resort to any other source of supply; and (3) all other means  
11 of obtaining the use of such property for the defense of the  
12 United States upon fair and reasonable terms have been  
13 exhausted, he is authorized to requisition such property for  
14 the defense of the United States upon the payment of fair  
15 and just compensation for such property to be determined  
16 as hereinafter provided, and to dispose of such property in  
17 such manner as he may determine is necessary for the  
18 defense of the United States."

19 SEC. 2. Section 2 of the Act of October 16, 1941 (55  
20 Stat. 742), is amended by striking out the date "December  
21 31, 1943" and inserting in lieu thereof the date "December  
22 31, 1944", so that it will read as follows:

23 "SEC. 2. Whenever the President determines that prop-  
24 erty acquired under this Act and retained is no longer needed  
25 for the defense of the United States, he shall, if the original



1 owner desires the property and pays the fair value thereof,  
2 return such property to the owner; but, in any event, prop-  
3 erty so acquired and retained shall, if the owner desires the  
4 property and pays the fair value thereof, be returned to the  
5 owner not later than December 31, 1944.”

Passed the Senate June 3 (legislative day, May 24),  
1943.

Attest:

EDWIN A. HALSEY,

*Secretary.*

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**AN ACT**

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To amend the Act entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", approved October 16, 1941, to continue it in effect.

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JUNE 4, 1943

Referred to the Committee on Military Affairs

JUNE 23, 1943

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

## EXTENSION OF PROPERTY REQUISITION ACT

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JUNE 23, 1943.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. MAY, from the Committee on Military Affairs, submitted the following

### REPORT

[To accompany S. 217]

The Committee on Military Affairs, to whom was referred the act (S. 217) entitled "An act to amend the act entitled 'An act to authorize the President of the United States to requisition property required for the defense of the United States,' approved October 16, 1941, to continue it in effect," having considered the same, report favorably thereon with the recommendation that it do pass.

Identical bills (S. 2776 and H. R. 7560) were introduced during the Seventy-seventh Congress but failed of passage during that Congress.

The act of October 16, 1941 (Public Law 274, 77th Cong.), authorizes the President to requisition personal property required for the defense of the United States. The authority contained in that law expires June 30, 1943. It is considered necessary to extend such authority until June 30, 1944.

The authority contained in Public Law 274 has been used frequently on behalf of the War Department, the Navy Department, the Maritime Commission, the War Production Board, the Treasury Department, and the Department of Agriculture in furtherance of the war program. Regulations promulgated under the statute fully safeguard the procedure and the rights of property owners. The act itself contains provisions protecting property owners and providing adequate methods for determining fair and just compensation for any property found necessary to be requisitioned for national defense or war purposes.

The need for the proposed extension is set forth in a letter from the War Department to the Speaker of the House of Representatives, dated September 11, 1942, as follows:

SEPTEMBER 11, 1942.

THE SPEAKER, HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is enclosed a draft of bill to amend the act entitled "An act to authorize the President of the United States to requisition property

required for the defense of the United States," approved October 16, 1941, to continue it in effect, which the War Department recommends be enacted into law.

The purpose of the proposed legislation is (1) to continue in effect until June 30, 1944, the act of October 16, 1941 (55 Stat. 742; Public Law 274, 77th Cong.) which, under its present terms, will expire on June 30, 1943, which would be accomplished by amending the first sentence of section 1 by striking out the date "June 30, 1943" and inserting in lieu thereof the date "June 30, 1944"; and (2) to extend from December 31, 1943, to December 31, 1944, the period in which an owner from whom property has been requisitioned may obtain its return, by striking out "December 31, 1943" and inserting in lieu thereof "December 31, 1944."

The act of October 16, 1941, now provides that whenever the President, during the national emergency declared by him on May 27, 1941, but not later than June 30, 1943, determines (1) that the use of military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) that such need is immediate and impending and will not admit of delay or resort to any other source of supply, and (3) that all other means of obtaining the use of such property upon fair and reasonable terms have been exhausted, he is authorized to requisition such property upon payment of fair and just compensation therefor, to be determined in the manner provided in the statute. The President also is authorized to dispose of requisitioned property in such manner as he may determine necessary for the defense of the United States. Fair and just compensation shall be determined by the President upon the basis of fair market value at the time it is requisitioned. If the owner is not satisfied with the determination of the President as to value, he shall be paid one-half the amount determined and shall have the right to sue the United States in the Court of Claims or a District Court of the United States for the balance, in accordance with the provisions of section 24 (20) and 145 of the United States Judicial Code (28 U. S. C. 41 (20) and 250).

Provision for the return of property requisitioned is made in the act, and authority is granted to the President to issue rules and regulations necessary to carry out the provisions of the statute. The President also is required to report to Congress not less frequently than every 6 months his operations under the act.

The War Department believes that extension of the power to requisition property, as conferred by the act of October 16, 1941, is essential to the prosecution of the war. That power has been exercised frequently, particularly in obtaining railroad rails and other property for the war effort, where negotiations for acquisition by purchase have been unsuccessful. Although cooperation in the war effort by a majority of the citizens has been wholehearted, some have been unwilling to dispose of their property for Government use, except at prices considered unfair and unreasonable. In such instances, exercise of the power of requisition has been necessary. Lack of that authority would have affected seriously the prosecution of the war effort.

By the act of October 10, 1940 (54 Stat. 1090; Public, No. 829, 76th Cong.) the President is authorized to requisition and take over for national defense purposes property ordered, manufactured, procured, or possessed for export, the exportation of which has been denied in accordance with the embargo provisions of section 6 of the act of July 2, 1940 (54 Stat. 714). By its original terms, the act of October 10, 1940 would have expired on June 30, 1942, but the Congress, by the act of July 2, 1942 (Public Law 643, 77th Cong.) continued it in effect until June 30, 1944. Also a number of other war measures have been continued in effect until that date by recent acts of Congress, such as section 6 of the act of July 2, 1940 (54 Stat. 714), which was amended and continued in effect until June 30, 1944, by the act of June 30, 1942 (Public Law 638, 77th Cong.) and the act of January 27, 1942 (Public Law 416, 77th Cong.) authorizing vessels of Canadian registry to transport iron ore on the Great Lakes, which was continued until June 30, 1944, by the act of August 1, 1942 (Public Law 695, 77th Cong.). It is believed desirable to have the requisitioning statute in question expire at the same time.

While the War Department is unable to estimate the fiscal effect of enactment of this proposed legislation, it is believed that no expenditures in addition to those otherwise required for national defense purposes will result, but on the contrary it is believed that savings will be accomplished in many instances where acquisition of property by purchase is not possible.



The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Respectfully,

HENRY L. STIMSON, *Secretary of War.*

In compliance with rule XIII of the rules of the House of Representatives, changes in the existing law made by the bill are shown as follows (existing law in which no change is proposed is shown in roman, new material is printed in italics):

ACT OF OCTOBER 16, 1941 (PUBLIC LAW 274, 77TH CONG.)

That whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than *June 30, 1944*, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States. The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act and the fair value of any property returned under section 2 of this Act, but each such determination shall be made on the basis of the fair market value of the property at the time it is requisitioned or returned, as the case may be. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this Act, regardless of the amount in controversy in any such proceeding.

Nothing contained in this Act shall be construed—

(1) to authorize the requisitioning or require the registration of any fire-arms possessed by any individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

(2) to impair or infringe in any manner the right of any individual to keep and bear arms, or

(3) to authorize the requisitioning of any machinery or equipment which is in actual use in connection with any operating factory or business and which is necessary to the operation of such factory or business.

SEC. 2. Wherever the President determines that property acquired under this Act and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1944.

SEC. 3. The President from time to time, but not less frequently than once every six months, shall transmit to the Congress a report of operations under this Act.

SEC. 4. The President may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of this Act, and he may exercise any power or authority conferred on him by this Act through such department, agency, board, or officer as he shall direct or appoint.

Approved, October 16, 1941.











United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 78<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 89

WASHINGTON, MONDAY, JUNE 28, 1943

No. 121

## House of Representatives

The House met at 12 o'clock noon.

Chaplain Harold E. Mayo, senior chaplain, United States naval air station, Patuxent River, Md., offered the following prayer:

Eternal God, our Father, we thank Thee for the gift of life. We rejoice that each day brings to us opportunities for service and challenges us to use our talents for the good of our fellow men. In this time of world-wide chaos and war we seek Thy guidance that throughout life we may do Thy will and help mankind. Grant that as a nation and as individuals we may find Thy will and honor Thy name as we live and serve from day to day. Bless those who in places of responsibility and honor represent the sovereign States of this Republic. May they have upon their hearts a sense of destiny and so live and labor that this Nation, under Thee, shall continue as a beacon of inspiration and hope to the freedom-loving peoples of the earth. Amen.

### THE JOURNAL

The Journal of the proceedings of Friday, June 25, 1943, was read and approved.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2869. An act to continue Commodity Credit Corporation as an agency of the United States, increase its borrowing power, revise the basis of the annual appraisal of its assets, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes

of the two Houses thereon, and appoints Mr. WAGNER, Mr. BANKHEAD, Mr. MALONEY, Mr. TOBEY, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2481) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments numbered 12, 14, 84, 107, and 128 to said bill; that the Senate disagrees to the amendments of the House to the amendments of the Senate numbered 19, 126, and 127 to said bill; that the Senate recedes from its amendments numbered 129, 130, 131, 132, and 133 to said bill; that the Senate further insists upon its amendments numbered 19, 87, 88, 92, 97, 98, 99, 116, 120, 121, 122, 123, 126, and 127 to said bill, agrees to a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. TYDINGS, Mr. BANKHEAD, Mr. SMITH, Mr. NYE, and Mr. McNARY to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the Act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Navy.
4. Department of War.
5. Civil Service Commission.
6. Federal Power Commission.
7. Federal Security Agency.
8. United States Maritime Commission.

EXTENSION OF ACT TO AUTHORIZE THE PRESIDENT TO REQUISITION PROPERTY REQUIRED FOR THE DEFENSE OF THE UNITED STATES

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 217) to amend an act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941, to continue it in effect.

Mr. ANDREWS. Mr. Speaker, reserving the right to object, will the gentleman from Kentucky be good enough to tell us briefly the purpose of the bill and the fact that the Secretary of War has requested this extension for 1 year?

Mr. MAY. Yes. Mr. Speaker, this is the bill that authorized the President to requisition personal property for war purposes. It expires on the 30th day of this month if not extended. The only thing the pending bill (S. 217) does is to extend it for a period of 1 year by striking out the date "June 30, 1943," and inserting the date "June 30, 1944." Otherwise it continues every provision of the original act in effect for that length of time.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the first sentence of the first section of the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941 (55 Stat. 742), is amended by striking out the date "June 30, 1943," and inserting in lieu thereof the date "June 30, 1944," so that it will read as follows: "That whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1944, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment,



supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States."

SEC. 2. Section 2 of the act of October 16, 1941 (55 Stat. 742), is amended by striking out the date "December 31, 1943" and inserting in lieu thereof the date "December 31, 1944," so that it will read as follows:

"SEC. 2. Whenever the President determines that property acquired under this act and retained is no longer needed for the defense of the United States he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1944."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INCREASE OF PENSIONS TO INDIAN WAR VETERANS AND THEIR DEPENDENTS

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, by direction of the Committee on Invalid Pensions I ask unanimous consent for the present consideration of the bill (H. R. 85) to amend the act of March 5, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898 and for other purposes."

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill and give the estimated cost?

#### PURPOSES OF THE LEGISLATION

Mr. LESINSKI. Mr. Speaker, the general purposes of the legislation is to liberalize the now-existing benefits payable to veterans and dependents of veterans of the Indian wars. This bill provides the same rates for Indian war veterans as are now being received by Spanish War veterans. The rates as to the widows correspond with those of the widows of Union veterans who served during the War between the States. However, before a widow can receive benefits under the provisions of this act, she must be at least 60 years of age and have lived with the veteran for 10 years or more. It must be borne in mind that before anyone can benefit under this proposed Indian war legislation, the veteran must have served at least 30 days in the zone of or in connection with active Indian hostilities. The authority to determine what constitutes the zone of active Indian hostilities under the provisions of this bill is delegated to the Administrator of Veterans' Affairs. Under existing laws this determination

is made by the War Department. It is the consensus of opinion of the Indian war veterans and those interested in legislation for them that the War Department has been too rigid in its interpretation of what constitutes a zone of active Indian hostilities. The number who would benefit under the liberalized provisions of this bill both as to veterans and dependents of veterans is negligible.

#### COST OF THE LEGISLATION

The total cost of the bill would approximate \$671,400 the first year. A break-down by the Administrator of Veterans' Affairs as to the estimated cost can be found near the close of the Administrator's report on page 6 of the committee report. The average age of the Indian war veterans is 82 years and approximately 1,340 veterans would receive increases at an additional cost of \$284,000 for the first year. Section 3 would make eligible approximately 400 widows for pension, and it has been determined by the Veterans' Administration that only about one-half of those entitled would file during the first year, and the cost for this group would be approximately \$90,000 for the first year. Under section 3 increases for approximately 2,465 widows are provided at an estimated cost for the first year of approximately \$297,400. Summing up this break-down as to cost—and repeating—the total estimated cost for the first year is approximately \$671,400.

#### EXPLANATION OF THE AMENDMENT

The amendment on page 3, line 15 of the bill reduces the figures from \$150 to \$50. This was an error in printing and is fully explained on page 1 of the committee report.

#### HISTORY OF THE LEGISLATION

This bill, as amended, is identical with the Indian war bills of the Seventy-sixth and Seventy-seventh Congresses—both of which were passed by the House without amendment or dissenting vote. The Seventy-seventh Congress bill, H. R. 1095, was favorably reported by the Committee on Pensions of the United States Senate, but failed to pass the Senate before the adjournment of the Seventy-seventh Congress.

#### CONCLUSION

This bill has received the commendation of, and has been strongly endorsed by the several Indian war veterans' organizations, as well as individual Indian war veterans and dependents of deceased Indian war veterans throughout the country.

It is the opinion of your committee that this proposed legislation is believed to contain necessary liberalizations and simplification of existing law and is considered, from the standpoint of cost as well as other provisions, to be most conservative.

The Indian war veterans will receive the same rates as the Spanish War veterans and their widows will receive the same rates as the Union veterans of the War between the States.

A break-down as to the present rates for the veterans both under present law and under the provisions of this bill may be found in tables of the Administrator's

report on pages 4 and 5 of the committee report.

This bill under the provisions of section 7, contains a savings clause which prohibits the reduction, discontinuance, or denial of any rights under any law in effect on the date of enactment of this legislation.

Your committee has held extensive hearings on this subject—both in the Seventy-sixth Congress as well as on May 6 of this Congress—and it is the opinion that this proposed legislation is equitable in character and recommend its passage.

Mr. MCGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. MCGREGOR. I wish to concur in the statement of my distinguished chairman and to say that after extensive hearings we feel this bill is simply an equalization bill. It was reported by the unanimous vote of the committee.

Mr. LESINSKI. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of the act of March 3, 1927 (U. S. C., title 38, sec. 381; 44 Stat. 1361), is hereby amended to read as follows:

"SECTION 1. That any person who served 30 days or more, or for the duration of one of the campaigns cited in section 1 of the act of March 4, 1917, even though such campaign was of less than 30 days' duration, in any military organization, whether such person was regularly mustered into the service of the United States or not, but whose service was under the authority or by the approval of the United States or any State or Territory in any Indian war or campaign, or in connection with, or in the zone of, any active Indian hostilities in any of the States or Territories of the United States from January 1, 1817, to December 31, 1898, inclusive, the determination as to what constitutes the zone of active Indian hostilities to be made by the Administrator of Veterans' Affairs, and who is now or may hereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitate him for the performance of manual labor as to render him unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Administrator of Veterans' Affairs may provide, be placed upon the pension roll of the United States and be entitled to receive a pension not exceeding \$60 a month and not less than \$20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated, these rates to be fixed as follows: \$20 a month for one-tenth disability, \$25 a month for one-fourth disability, \$35 a month for one-half disability, \$50 a month for three-fourths disability, and \$60 a month for total disability: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be entitled to receive a pension of \$30 a month; and in case such person has reached the age of 65 years, \$60 a month: *Provided further*, That any such person who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$100 a month: *And provided further*, That no one while an inmate of the United States Soldiers' Home or of any National or State soldiers' home, and while







[PUBLIC LAW 104—78TH CONGRESS]

[CHAPTER 181—1ST SESSION]

[S. 217]

AN ACT

To amend the Act entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", approved October 16, 1941, to continue it in effect.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of the first section of the Act entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", approved October 16, 1941 (55 Stat. 742), is amended by striking out the date "June 30, 1943", and inserting in lieu thereof the date "June 30, 1944", so that it will read as follows: "That whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1944, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States."

SEC. 2. Section 2 of the Act of October 16, 1941 (55 Stat. 742), is amended by striking out the date "December 31, 1943" and inserting in lieu thereof the date "December 31, 1944", so that it will read as follows:

"SEC. 2. Whenever the President determines that property acquired under this Act and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1944."

Approved June 30, 1943.





